



## WISCONSIN LEGISLATIVE COUNCIL

### RECODIFICATION OF CHAPTER 45, VETERANS

Legislative Council Conference Room  
One East Main Street, Suite 401  
Madison, Wisconsin

September 30, 2004  
10:00 a.m. – 11:55 a.m.

[The following is a summary of the September 30, 2004 meeting of the Special Committee on Recodification of Chapter 45, Vets. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

#### Call to Order and Roll Call

Representative Townsend, Chair, called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. John Townsend, Chair; Reps. Judy Krawczyk, Gabe Loeffelholz, Terry Musser, and Marlin Schneider; and Public Members Kenneth Brown, Anthony Hardie, John O'Brien, Larry Olson, Tim Thiers, and Kenneth Wendt.

COMMITTEE MEMBERS ABSENT: Senators Roger Breske, Ron Brown, and Scott Fitzgerald.

COUNCIL STAFF PRESENT: Dick Sweet and Pam Shannon, Senior Staff Attorneys; and Kelly Mautz, Support Staff.

APPEARANCES: Anthony Hardie, Executive Assistant, Department of Veterans Affairs.

#### Opening Remarks

**Terry C. Anderson**, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He noted that the committee's meetings are recorded and available on the Internet.

## **Introduction of Committee Members**

Representative Townsend welcomed all members to the committee and thanked them for their willingness to serve. The members then briefly introduced themselves.

## **Description of Material Distributed**

Dick Sweet, Legislative Council Staff, discussed the arrangement of current ch. 45, Stats., and a proposed table of contents for the reorganized chapter, prepared by staff, both of which were mailed to the committee. He pointed out that in current ch. 45, all but the housing provisions are in a single subchapter, making it difficult to find provisions. He said that provisions that should be located in proximity to other provisions, such as those relating to county veterans services, are instead scattered throughout the chapter. He also noted that the current definition of “veteran” is unwieldy, as it is lengthy and contains numerous exceptions. Referring to the proposed table of contents, Mr. Sweet explained that there would be eight subchapters in which related provisions would be grouped. He said that the content of all current provisions would be reviewed and language modified or eliminated as appropriate. He added that a few provisions would likely be moved from ch. 45 to ch. 21, the chapter governing the Department of Military Affairs.

Mr. Brown suggested a different order for the subchapters than that in the proposed table of contents, based on the provisions he uses most frequently in his work as a county veterans service officer (CVSO). His proposed order would be: Subchapter I, General Provisions; Subchapter II, Education and Training; Subchapter III, Veterans Housing Loan Program; Subchapter IV, Other Programs; Subchapter V, Care and Treatment Facilities; Subchapter VI, Funerals, Burials, and Cemeteries; Subchapter VII, Memorials; and Subchapter VIII, County Officials. Other members agreed with that proposed organization.

Representative Townsend noted that he will be designating a drafting subcommittee, comprised of committee members Anthony Hardie and Larry Olson, to be assisted by the Legislative Council attorneys, drafting attorney Bob Nelson from the Legislative Reference Bureau (LRB), and other specialists with expertise on specific subjects being considered. He explained that the drafting subcommittee will do the bulk of the redrafting work and submit a proposed bill draft to the full committee for its review, most likely in December. He said that, if necessary, the full committee will meet twice to complete its work on the draft. He noted that committee members will receive notices of the subcommittee meetings and are welcome to attend or submit written suggestions to the subcommittee, as are members of the public.

## **Invited Speaker**

**Anthony Hardie, Executive Assistant, Department of Veterans Affairs**, noted he had distributed several documents, including a December 10, 2003 letter from Department of Veterans Affairs (DVA) Secretary John Scocos to legislative leaders stating that ch. 45 is in dire need of revisions and encouraging the establishment of a Legislative Council committee to recodify the chapter. Mr. Hardie cited several examples of problems with the current chapter. First, regarding its current organization, he explained that it is difficult to determine whether a veteran is eligible for a particular program or benefit, in part because there is more than one definition of “veteran.” He referred to a document, titled *Eligibility for Benefits from the Department of Veterans Affairs*, that shows several

current definitions of “veteran” and the eligibility requirements for various DVA programs and benefits, which vary depending on which definition of “veteran” is used. He said that DVA supports defining “veteran” to have a single meaning throughout the entire chapter, while retaining different eligibility requirements for different programs.

Representative Townsend asked whether a person could serve 20 years in the National Guard but not be considered a veteran. John Rosinski, DVA Chief Legal Counsel, responded that the issue of whether a person is considered a veteran is tied to whether he or she has “federally-activated service” and if not, the person is not considered a veteran. Bob Nelson, LRB Senior Attorney, noted that the Legislature has decided that certain programs and benefits are available only to certain veterans, and that there will be fiscal impacts if a single definition of “veteran” is created for all purposes.

Mr. Thiers asked whether the concept of serving in a “war period” is outdated because peacetime veterans are now eligible for benefits. Mr. Rosinski responded that a person still has to have federally-activated service and that providing benefits to those that do not have such service will have a significant fiscal impact.

Mr. Hardie referred to a handout containing excerpts from Title 38 of the U.S. Code, relating to veterans benefits, in which all definitions are grouped in the very first provision. He contrasted the federal provision to ch. 45, which has definitions in numerous places and, for example, includes two separate definitions of the Persian Gulf war period. Mr. Sweet asked whether it would be possible to develop a mechanism by which any new federally-designated war period would be recognized automatically by the state without having to enact separate legislation each time. Mr. Hardie said he hoped the drafting subcommittee would consider that question as well as how to designate special covert operations. He said it would be helpful to develop various legislative options for addressing these issues that would include the number of people affected by, and the fiscal implications of, each option.

Mr. Hardie noted the need to consolidate related provisions, citing as an example the various educational grant provisions. He also said that there should be a single definition of “tuition” instead of the current two. He also noted that provisions relating to the department’s powers are scattered throughout the chapter and that provisions relating to the veterans cemeteries are in more than one provision.

Regarding modernizing language, Mr. Hardie cited, as examples, that “military funeral honors” is now the preferred term over “military honors funerals” and that the Southeast Wisconsin Veterans Facility is now referred to as “Union Grove.”

With respect to resolving ambiguities in current language, Mr. Hardie said that for each program that provides benefits, the statutory language for that program should be clear up front as to who is eligible for the program. He also noted the problem that in some counties, CVSO grants are not being expended for CVSO operations, which may necessitate enactment of stricter statutory language. Representative Musser said the Legislature previously tried to resolve this problem by enacting language prohibiting counties from allocating any portion of a grant for use by another county department or reducing funding to a county veterans service office based on receipt of a grant. Mr. Hardie said that that language has not worked in all cases and that the statute may have to, for example, set forth a minimum amount a county must expend on veterans services, based on the number of veterans in the county.

In the area of minor substantive changes, Mr. Hardie cited the wartime service and eligibility issues discussed previously and noted that there may be others as well.

### **Discussion of Committee Assignment**

Representative Townsend encouraged members of the full committee to convey any recommendations they have to the drafting subcommittee and noted that they are welcome to attend drafting subcommittee meetings if they so choose. He noted that members of the public are also welcome to submit written comments to the subcommittee and to attend meetings. He added that the subcommittee will keep the full committee informed of its progress.

Representative Schneider raised an issue relating to the maintenance of the Korean War Memorial in Plover and the Vietnam Memorial in Neillsville. Representative Townsend responded that the purpose of recodifying ch. 45 is to establish a better framework for administering veterans benefits and not to consider funding issues.

### **Other Business**

There was no other business brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held at the call of the chair, most likely in December. The first two meetings of the drafting subcommittee are scheduled for October 12 at 1:00 p.m. and October 26 at 1:00 p.m., in the Legislative Council Conference Room, One East Main Street, Suite 401, Madison, Wisconsin.

### **Adjournment**

The meeting was adjourned at 11:55 a.m.

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